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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,728	10/23/2003	Joaquin Devesa Company	DEVESA COMPANY-1	6811
25889	7590	08/12/2005	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			NGUYEN, JIMMY T	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,728

Applicant(s)

DEVESA COMPANY, JOAQUIN

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION*Drawings*

The drawings are objected to because figure 1 shown the lead line of reference numeral 2 (the lowest ref. number 2 in the figure) pointed to the sheet with a larger height and the lead line of reference numeral 1 (the lowest ref. number 1 in the figure) pointed to the sheet with a smaller height. It should be the other way around.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the lip (1.4) as described in the specification (page 4, line 9). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In general, the claims are vague and indefinite with many errors rendering them very difficult, if not impossible, to understand. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. The claims are drafted in a narrative and confusing syntax which would hinder one skilled in the art in determining when infringement might occur. For example:

Regarding claim 1, line 2, there is no antecedent basis for "the different procedures" in the claim.

Regarding claim 1, line 5, the term "based on" fails to conform with US practice. It is suggested that this term be changed to --- the process comprising the steps of ---.

Regarding claim 1, line 6, there is no antecedent basis for "the sheets" in the claim. Additionally, the limitation "sheets (1) and (2)" fails to conform with US practice. It is suggested that the numbers of sheets should be clearly defined in the claim; for example: a first sheet and a second sheet.

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Regarding claim 1, line 8, it is unclear which elements is “being slightly greater ..”. Is it referring to the sheet or the interior?

Regarding claim 1, lines 9-10, there is no antecedent basis for “the recessing” in the claim.

Regarding claim 1, line 16, there is no antecedent basis for “the inner most plastic sub-sheet” in the claim.

Regarding claim 1, line 20, it is unclear what the limitations “their” and “them” refer to.

Regarding claim 1, line 21, it unclear whether the limitation “sheets” is the same sheets as claimed in line 6. Clarification is required.

Regarding claim 1, line 25, there is no antecedent basis for “the rim” in the claim.

Regarding claim 1, line 31, it is unclear which rims the word “this” refers to. Is it referring to the rim of the metallic sheet or the rim of the plastic sheet?

Regarding claim 1, line 34, there is no antecedent basis for “the bottom piece” in the claim.

Regarding claim 1, line 34, it is unclear which elements is being “provided with an internal step”. Additionally, it is unclear what is meant by “an internal step”.

Regarding claim 1, line 36, there is no antecedent basis for “the bottom” in the claim.

Regarding claim 2, line 4, there is no antecedent basis for “the body” in the claim.

Regarding claim 3, the claim is in a form of an abstract and fails to define a proper method step. It is unclear how the procedure as claimed is related the method steps as claimed in the preceding claim 1. Additionally, the claim is vague and replete with antecedent basis concern.

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Regarding claim 4, line 3, there is no antecedent basis for "the equivalent body" in the claim.

All claims should be carefully reviewed for clarity and definiteness.

Note that claims 1-4 have not been rejected over prior art. However, in view of the issues under 35 USC 112 rejections as set forth above, the allowability of the claims can not be determined at this time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 3,125,056, US 4,996,823, US 5,069,590, and US 5,779,424 disclose various methods for making a container body.

US 5,494,445, US 6,241,095 and GB 2298188A teach containers having an exterior layer having multiple cylindrical sectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520.

The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
August 01, 2005



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700